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2 **UNITED STATES DISTRICT COURT**  
3 **DISTRICT OF NEVADA**

4 L. SEVILLE PARKS, )

5 Plaintiff, )

3:06-cv-00405-RCJ-VPC

6 vs. )

**ORDER**

7 RICHARD FALGE, *et al.*, )

8 Defendants. )  
9 \_\_\_\_\_ )

10 Before the Court for consideration is the Report and Recommendation of  
11 Magistrate Judge Valerie P. Cooke, entered November 5, 2009 (#177). No objections  
12 have been filed.

13 The Court has conducted a review of the record in this case and determines that  
14 the Report and Recommendations of the United States Magistrate Judge entered  
15 November 5, 2009 should be affirmed.

16 IT IS THEREFORE ORDERED that Magistrate Judge Cooke's Report and  
17 Recommendation (#177) be affirmed and adopted.

18 IT IS FURTHER ORDERED that defendants' Motion to Dismiss (#148) should  
19 be **GRANTED** and plaintiff's claims shall be **DISMISSED WITHOUT PREJUDICE**.

20 IT IS FURTHER ORDERED that plaintiff's Motion for Summary Judgment  
21 (#159), and defendants' Motion to Strike plaintiff's Motion for Summary Judgment  
22 (#171) are **DENIED AS MOOT**.

23 DATED: December 8, 2009

24   
25 UNITED STATES DISTRICT COURT